

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 206.19, the Iowa Department of Agriculture and Land Stewardship hereby gives Notice of Intended Action to amend Chapter 45, "Pesticides," Iowa Administrative Code.

This proposed rule making rewrites the existing rule related to the application of pesticides near bees. Commercial pesticide applicators spraying within one mile of a registered apiary shall not spray between 8 a.m. and 6 p.m. Commercial pesticide applicators will need to keep records of the time pesticide application began and ended.

Any interested party may make written comments or suggestions on the proposed amendments until 4:30 p.m. on January 7, 2009. Written comments should be sent to Margaret Thomson, Department of Agriculture and Land Stewardship, Wallace State Office Building, 502 East Ninth Street, Des Moines, Iowa 50319; or faxed to (515)281-6236. E-mail comments may be sent to Margaret.Thomson@IowaAgriculture.gov.

A public hearing will be held on January 7, 2009, at 2 p.m. in the Second Floor Conference Room, Wallace State Office Building, Des Moines, Iowa 50319.

No waiver provision is included in these proposed amendments. However, the Department's general waiver provisions, found at 21—Chapter 8, would apply.

These amendments are intended to implement Iowa Code sections 206.6 and 206.19.

The following amendments are proposed.

ITEM 1. Adopt the following new paragraph **45.26(3)"i"**:

i. Time pesticide application begins and ends.

ITEM 2. Rescind rule 21—45.31(206) and adopt the following new rule in lieu thereof:

21—45.31(206) Application of pesticides toxic to bees.

45.31(1) Owners of apiaries, in order to protect their bees from pesticide applications, shall register the location of their apiaries with the state apiarist. Registration shall be on forms provided by the department. The registration expires December 31 each year and may be renewed the following year.

45.31(2) Between 8 a.m. and 6 p.m., a commercial applicator shall not apply to blooming crops pesticides labeled as toxic to bees when the commercial applicator is located within one mile of a registered apiary. A commercial applicator shall be responsible for maintaining the one-mile distance from apiaries that are registered and listed on the sensitive crop registry on the first day of each month.

This rule is intended to implement Iowa Code sections 206.6(5)"a"(3) and 206.19(2).